
Objectives, Scope, and Methodology

At the request of the Chairman of the Subcommittee on National Security, Veterans Affairs, and International Relations of the House Committee on Government Reform, we assessed (1) how the visa process operated prior to September 11, 2001; and (2) what changes have occurred since then to strengthen the process as a screen against terrorists. To assess how the visa process operated prior to and following September 11, we reviewed the Immigration and Nationality Act and related legislation, the State Department's *Foreign Affairs Manual* and best practices cables, consular training guides, consular workload and staffing data, and other related documents from the State Department's Bureau of Consular Affairs. We assessed the State Department's data on visa applications, issuances, and refusals worldwide and for selected posts.

We visited U.S. embassies and consulates in eight countries—Canada, Egypt, Germany, Indonesia, Saudi Arabia, Tunisia, the United Arab Emirates, and the United Kingdom. During these visits, we observed visa operations, reviewed selected visa applications, and interviewed consular staff and embassy management about visa adjudication policies, procedures, and resources. We visited Canada from January 27, 2002, through February 2, 2002, and the remaining countries from April 28, 2002, through May 26, 2002. We also conducted telephone interviews with consular staff at 11 other posts in countries of interest as potential terrorist bases or transit routes to obtain information on how their posts had changed visa operations since September 11.

Table 1 shows the number of people who applied for U.S. visas during fiscal year 2001 at the posts that we visited. We selected these posts based on the following criteria: (1) the post had issued at least one visa to a September 11 hijacker, (2) the post was located in a country of interest to U.S. antiterrorism efforts, or (3) the post had a large population of third-country national applicants from countries of interest to U.S. antiterrorism efforts.

Appendix I
Objectives, Scope, and Methodology

Table 1: Applicants for Nonimmigrant Visas at 12 Selected Posts, Fiscal Year 2001

Country and post	Host country nationals		Third country nationals	
	Number of cases ^a	Percent	Number of cases ^a	Percent
Canada				
Montreal	1,099	5.2	20,068	94.8
Ottawa	708	10.2	6200	89.8
Egypt				
Cairo	78,428	92.0	6,794	8.0
Germany				
Berlin	26,841	70.0	11,511	30.0
Frankfurt	43,090	59.3	29,623	40.7
Indonesia				
Jakarta	84,123	97.9	1,786	2.1
Saudi Arabia				
Jeddah	17,365	54.6	14,465	45.4
Riyadh	29,352	48.9	30,627	51.1
Tunisia				
Tunis	11,294	84.0	2,158	16.0
United Arab Emirates				
Abu Dhabi	7,979	25.5	23,318	74.5
Dubai	3,523	10.0	31,759	90.0
United Kingdom				
London	97,865	57.4	72,600	42.6

^aCases include visa issuances and refusals.

Source: State Department data.

We did fieldwork at the five posts that issued visas to the 19 hijackers: the U.S. embassy in Riyadh and the U.S. consulate in Jeddah, Saudi Arabia; the U.S. embassy in Abu Dhabi and the U.S. consulate in Dubai, the United Arab Emirates; and the U.S. embassy in Berlin, Germany.

In Saudi Arabia, we met with three consular officers who issued 14 visas to 12 of the 15 Saudi hijackers. We also reviewed 17 of the 19 visa applications that the Saudi hijackers submitted, dating from November 1997 through June 2001. The scope of our review did not cover visas that were issued before this time period. Overall, we were able to meet with an issuing consular officer or review the applications for 14 of the 15 Saudi hijackers. We did not interview the issuing consular officers or review the visa applications for Nawaf Al Hazmi or Khalid Al Mihdhar's first visa—both of these visas were issued in 1999—because the officers were no longer

working at the post (Jeddah), and the applications had been destroyed as part of the post's normal document retention policy.

We also interviewed past and present senior consular officials for Saudi Arabia to obtain their views on U.S. visa policies and procedures before September 11. We met with the current Consul General in Riyadh, who started there on September 10, 2001. In London, we met with the State Department official who served as the Consul General in Riyadh from September 2000 through July 2001, the period when almost all of the 15 hijackers received either their first or second visas. In July 2002, we held a telephone interview with the acting Consul General at the U.S. embassy in Islamabad, Pakistan, who served as the Consul General in Riyadh from the summer of 1998 through the summer of 2000.

In the United Arab Emirates, we interviewed one of two consular officers who issued a visa to an Emirati hijacker and reviewed that hijacker's visa application. We did not interview the issuing consular officer or review the visa application for the other Emirati hijacker, because the officer was no longer working at the post, and the application had been destroyed as part of the post's normal document retention policy.

In Germany, we did not interview the consular officer(s) who had issued visas to two of the hijackers in Berlin or review those hijackers' applications, because the officer(s) were no longer working at the post, and the applications had been destroyed as part of the post's normal document retention policy.

In Washington, D.C., we conducted interviews with officials from the Departments of State, Defense, and Justice, including the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the interagency Foreign Terrorist Tracking Task Force. We requested meetings with the headquarters officials of the CIA to discuss the agency's role in the Visas Condor security check and interagency information sharing, but they declined to meet with us. We received information on changes to the agency's role in the Visas Condor process during a briefing given to congressional staff by officials from the CIA and the Departments of State and Justice in late September 2002.

We limited our review to nonimmigrant visa applicants. While we reviewed the State Department's consular lookout system, we did not compare its capabilities with those of other name check or lookout systems. We did not review the immigrant visa-issuance process, nor did we review the role and

effectiveness of the Immigration and Naturalization Service in inspecting foreign citizens once they arrive at a U.S. port of entry. We also did not assess how the proposed Department of Homeland Security would affect visa issuance.

We conducted our work from November 2001 through August 2002 in accordance with generally accepted government auditing standards.

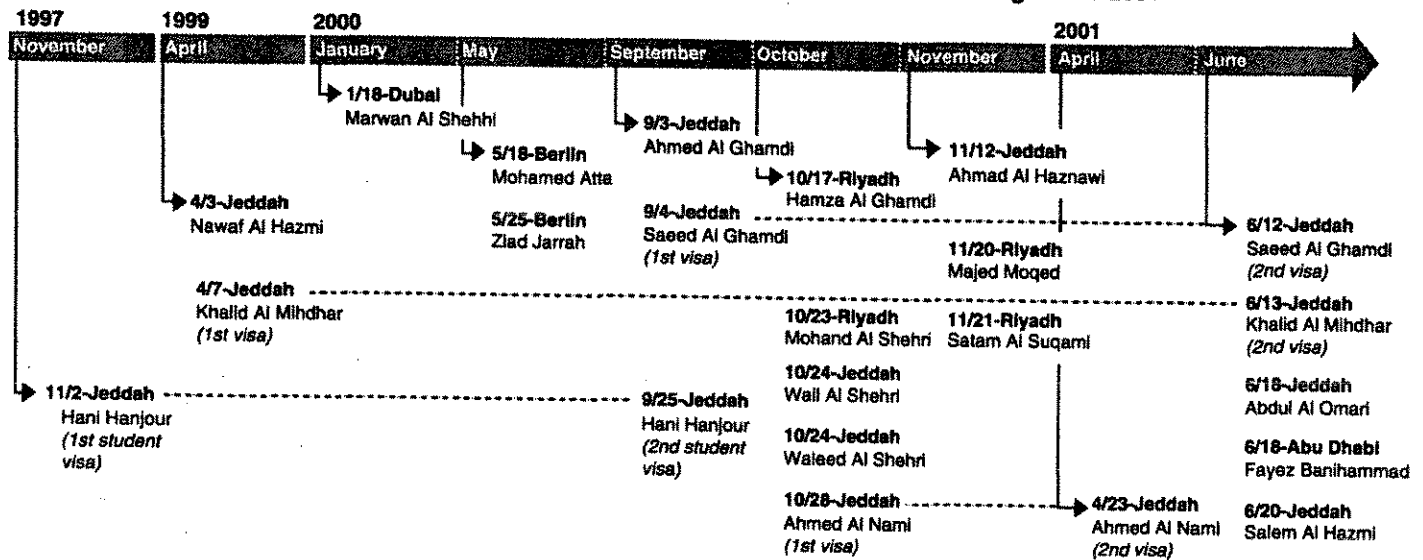
Visas Issued to the September 11, 2001, Terrorist Hijackers

This appendix provides information on the visa applications and issuances for the 19 hijackers who participated in the September 11 terrorist attacks. The hijackers received a total of 23 visas at five different posts from April 1997 through June 2001 (see fig. 6).

Fifteen of them were citizens of Saudi Arabia. They applied for their visas in their home country, at the U.S. consulate in Jeddah (11 hijackers) and the embassy in Riyadh (4 hijackers). Two others, citizens of the United Arab Emirates, also received their visas in their home country, at the U.S. embassy in Abu Dhabi and consulate in Dubai. The remaining 2 hijackers applied for their visas at the U.S. embassy in Berlin. They were considered third-country national applicants because they were not German citizens: one was a citizen of Egypt, the other of Lebanon. Of the 19 hijackers, 18 received a total of 21 visas for temporary visits for business and pleasure, and 1 received 2 student visas. These visas allowed the holders to enter the United States multiple times during the validity period, subject to the approval of the immigration officer at the port of entry. Of the 23 issued visas, 4 were valid for a period of 1 year, 15 were valid for 2 years, 2 for 5 years, and 2 for 10 years.

Appendix II
Visas Issued to the September 11, 2001,
Terrorist Hijackers

Figure 6: Timeline of Visas Issued to Hijackers at Overseas Posts, November 1997 through June 2001



Note: All visas were tourist/business class unless otherwise noted. For Hani Hanjour's second visa, the visa application shows that he applied for and was granted a student visa by the adjudicating consular officer. However, according to testimony by the Staff Director of the Joint Inquiry Staff on September 20, 2002, the post erroneously issued the hijacker a tourist/business visa but the Immigration and Naturalization Service recognized and corrected this error when he arrived in the United States.

Source: State Department documents.

Grounds for Visa Ineligibility

The Immigration and Nationality Act (INA) (8 U.S.C. 1182-1202) lists the reasons why consular officers may consider applicants ineligible to receive a visa (see table 2).

Table 2: Provisions Concerning Visa Ineligibility Under the INA

Grounds for visa ineligibility	Section of the INA	
Health-related grounds	212(a)(1)	
Communicable disease		(A)(i)
Immigrant lacking required vaccinations		(A)(ii)
Physical or mental disorder and behavior that may cause a threat		(A)(iii)
Drug abuser or addict		(A)(iv)
Criminal-related grounds	212(a)(2)	
Crime involving moral turpitude		(A)(i)(I)
Controlled substance violators		(A)(i)(II)
Multiple criminal convictions		(B)
Controlled substance traffickers		(C)(i)
Relative of substance trafficker who obtained benefit from illicit activity within past 5 years		(C)(ii)
Prostitution (within 10 years)		(D)(i)
Procuring (within 10 years)		(D)(ii)
Unlawful commercialized vice		(D)(iii)
Certain aliens involved in serious criminal activity who have asserted immunity from prosecution		(E)
Foreign government officials who have engaged in violations of religious freedom		(G)
Significant trafficker in persons as listed in yearly report to Congress by President		(H)(i)
Relative of trafficker on the President's list who obtained financial benefit from the activity within the past 5 years		(H)(ii)
Security-related grounds	212(a)(3)	
Espionage, sabotage, or technology transfer		(A)(i)
Other unlawful activity		(A)(ii)
Activity to overthrow the U.S. government		(A)(iii)
Terrorist activities		(B)
Entry would have potentially serious adverse foreign policy consequences		(C)
Immigrant membership in totalitarian party		(D)
Participation in Nazi persecutions		(E)(i)
Participation in genocide		(E)(ii)
Association with terrorist organizations		(F)
Applicant may become a public charge	212(a)(4)	
Labor certification and qualifications of certain immigrants	212(a)(5)	
Labor certification		(A)
Unqualified physicians		(B)
Uncertified foreign health care workers		(C)

Appendix III
Grounds for Visa Ineligibility

(Continued From Previous Page)

Grounds for visa ineligibility	Section of the INA
Illegal entrants, immigration violators, and misrepresentation	212(a)(6)
Aliens present without admission or parole	(A)
Failure to attend removal proceedings	(B)
Misrepresentation/fraud	(C)(i)
False claim to U.S. citizenship	(C)(ii)
Stowaways	(D)
Smugglers of aliens	(E)
Subject of civil penalty for document fraud	(F)
Student visa abusers	(G)
Documentation requirements	212(a)(7)
No entry documentation (applies to immigrants at port of entry only)	(A)
Nonimmigrants not in possession of valid passport and nonimmigrant visa or border-crossing card	(B)
Ineligible for citizenship	212(a)(8)
Ineligible for citizenship in general	(A)
Draft evaders	(B)
Aliens previously removed and unlawfully present	212(a)(9)
Aliens previously removed	(A)
Aliens unlawfully present	(B)
Aliens unlawfully present after previous immigration violations	(C)
Miscellaneous	212(a)(10)
Practicing polygamists (applicable only to immigrants)	(A)
Guardian accompanying helpless alien (applicable only at port of entry)	(B)
International child abduction	(C)
Unlawful voters	(D)
Former citizens who renounced citizenship to avoid taxes	(E)
Foreign residence requirement for former exchange visitors	212(e)
Presidential proclamation suspending the entry of any class of aliens	212(f)
Failure to establish entitlement to nonimmigrant status	214(b)
Applications do not comply with the INA or related regulations	221(g)
Alien in illegal status required to apply for new visa in country of nationality	222(g)

Sources: 1999 Report of the Visa Office, Consular Training Guide, and related statutes.

List of Pre-September 11 Special Clearance Requirements for Visa Applicants

This appendix provides information on the types of special clearances for visa applicants beyond the Consular Lookout and Support System (CLASS) name check that the State Department required for terrorism-related and other security and foreign policy reasons before the September 11, 2001, attacks. All special clearance requirements call for the consular officer to use one of several standardized cable formats when contacting the State Department's headquarters concerning issuance of visas in certain circumstances.

Table 3 lists the 9 countries subject to terrorism-related clearance requirements before the September 11 attacks. Table 4 lists the additional 24 countries subject to clearances for other security or foreign policy reasons before September 11. All of these clearances were still required as of August 12, 2002.

Appendix IV
List of Pre-September 11 Special Clearance
Requirements for Visa Applicants

Table 3: Countries Subject to Terrorism-related Clearances Before September 11

Country	Types of visa applicant
Afghanistan	Members of Taliban leadership; senior military officers; persons conducting business on behalf of the Taliban Persons claiming to be diplomatic representatives of any Afghan faction and their dependents
Cuba	Cuban nationals applying within Cuba: Officials of the government; and government representatives to and employees of international organizations, their families, and servants Certain employees or officials of the Cuban government or the Cuban Communist Party Cuban nationals applying outside of Cuba: Persons possessing diplomatic or official passports or affiliated with the government; professional performer or artist resident in Cuba; persons suspected of violating trade sanctions; and individual ship crewmember applicants
Iran	Officials of the government; and government representatives to and employees of international organizations, their families, and servants Certain officials and employees of the government and of state-controlled companies; lawyers connected to the Iranian claims tribunal; religious leaders; and employees of the Islamic Republic News Agency Student or other visa applicants involved in the field of nuclear technology Male applicants aged 18-60 residing in Iran; all Iranians who are currently studying or who have studied in the United States since 1977; and immigrant applicants who have lived in the United States for 6 months or more Applicants who are medical personnel in private practice and primary or secondary school teachers
Iraq	Persons over age 16 who are applicants for student visas or who are present or former members of the Iraqi Baath Party, government, or military Officials of the government; government representatives to and employees of international organizations; and third-country nationals applying to work at the Iraqi embassy/missions or as household employees to such officials, representatives, or employees
Libya	Certain visa applicants aged 16-65 who are present or former members of the government or military Nonofficial Libyan applicants and third-country nationals who have lived in Libya for more than 2 years since 1981 and who are not present or former members of the government or military Applicants sponsored by Libyan entities who deal with certain sensitive technologies Government representatives to and employees of international organizations, their families, and servants
North Korea	All nationals Government representatives to and employees of international organizations, their families, and servants
Russia	Applicants age 18-65 who are seeking immigrant or refugee status or who are nonimmigrant fiancé(e)s of U.S. citizens and their children Applicants whose purpose of travel is (a) to engage in terrorist fundraising or (b) to conduct official business on behalf of the government of Chechnya Officials of the government, government representatives to and employees of international organizations, and their families and servants Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds

Appendix IV
List of Pre-September 11 Special Clearance
Requirements for Visa Applicants

(Continued From Previous Page)

Country	Types of visa applicant
Sudan	Senior members, officials, and certain other employees of the government or armed forces Persons whose trip is government-sponsored Persons whose trip activities may involve sensitive technology Persons likely to engage in trade involving Sudan and the United States Student applicants intending to study items on the Technology Alert List ^a Servants of officials of the government or of government representatives to international organizations who are serving missions other than Sudan's
Syria	All applicants ^b

^aThe Technology Alert List is provided as guidance for consular officers adjudicating visa cases potentially falling within the purview of INA section 212(a)(3)(A)(i)(II). This section of the INA renders ineligible any foreign citizen who a consular officer knows or has reasonable grounds to believe is seeking entry to engage in any activity to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information.

^bThere are no mandatory special clearance procedures for Syrian applicants. However, because Syria is a state sponsor of terrorism, it is the State Department's policy that all Syrian visa applications be scrutinized closely for potential illegal transfer of sensitive technology.

Source: State Department cable regarding "Summary of Special Processing Requirements," June 23, 2001.

Appendix IV
List of Pre-September 11 Special Clearance
Requirements for Visa Applicants

Table 4: Countries Subject to Nonterrorism-related Clearances Before September 11

Country	Types of visa applicant
Angola	Officials of the National Union for the Total Independence of Angola, and adult family members; applicants intending to engage in aircraft-related activities in violation of U.S. Treasury Department regulations
Armenia	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Bosnia	Members of Bosnian Serb authorities and military officers; persons found to have violated certain United Nations Security Council resolutions Officials of the government, and government representatives to international organizations, their families, and servants
Burma	Certain senior government and military officials and their families; other officials of the government, and government representatives to international organizations, their families, and servants
Central African Republic	Officials of the government and government representatives to international organizations on long-term assignment to the United States
China	Applicants who are seeking immigrant or refugee status or who are nonimmigrant fiancé(e)s of U.S. citizens and their children Certain student or exchange applicants involved in a scientific or technical field on the Technology Alert List Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds; government officials Government representatives to and employees of international organizations, their families, and servants
Georgia	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Haiti	Named applicants who have been credibly alleged to have ordered, carried out, or materially assisted in extrajudicial and political killings in Haiti
Kazakhstan	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Kyrgyzstan	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Laos	Officials of the government, and government representatives to and employees of international organizations, their families, and servants Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Liberia	Applicants who plan, engage in, or benefit from activities that support the Revolutionary United Front or that otherwise impede the peace process in Sierra Leone, and their families Officials on permanent diplomatic assignment in the United States
Moldova	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Mongolia	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Pakistan	Applicants whose activities in the United States may support Pakistan's nuclear program Officials of the government, and government representatives to and employees of international organizations, their families, and servants
Rwanda	Applicants born before 1981 who are applying outside of Kigali; applicants who have not previously been cleared through the State Department (for genocide-related reasons)

Appendix IV
List of Pre-September 11 Special Clearance
Requirements for Visa Applicants

(Continued From Previous Page)

Country	Types of visa applicant
Sierra Leone	Applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Somalia	Officials of the government, and government representatives to international organizations, their families, and servants
Tajikistan	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Turkmenistan	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Ukraine	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Uzbekistan	Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds
Vietnam	Certain current and former senior members of the government and military, and certain government-sponsored delegations Applicants involved in scientific and technical fields included on the Technology Alert List Official and diplomatic visa applicants who match certain CLASS information or who are possibly ineligible on security-related grounds Government officials, and government representatives to and employees of international organizations, their families, and servants
Yugoslavia, Federal Republic of	Officials and employees of the government and government representatives to and employees of international organizations who are on long-term diplomatic assignment to the United States

Source: State Department cable regarding "Summary of Special Processing Requirements," June 23, 2001.

Interview and Refusal Rates for Nonimmigrant Visa Applicants in Saudi Arabia

This appendix provides information on interview and refusal rates for visa applicants at the U.S. consulate in Jeddah and the U.S. embassy in Riyadh. Table 5 provides these data for Saudi visa applicants and table 6 for third-country national visa applicants. According to consular managers in Jeddah and Riyadh, the visa applicant population before and after September 11 was significantly different due to a large decline in visa applications after the terrorist attacks. In July 2002, consular posts in Saudi Arabia began requiring interviews for all nonimmigrant visa applicants between the ages of 12 and 70, including Saudi citizens.

Table 5: Interview and Refusal Rates for Saudi Visa Applicants in Saudi Arabia Before and After September 11, 2001

Post	Applications	Interviews	Percent interviewed	Issuances	Refusals	Percent refused
Jeddah						
Before	6,540	150 ^a	2.3 ^a	6,470	70	1.1
After	2,308	439	19.0	2,241	67	2.9
Riyadh						
Before	11,193	282 ^a	2.5 ^a	11,176	17	0.2
After	3,828	1,644	42.9	3,696	132	3.5
All Saudi Arabia						
Before	17,733	432 ^a	2.4 ^a	17,646	87	0.5
After	6,136	2,083	33.9	5,937	199	3.2

Note: Before = September 11, 2000, through April 30, 2001

After= September 11, 2001, through April 30, 2002

^aThis figure is an estimate from consular managers at the U.S. embassy in Riyadh.

Source: Data provided by the U.S. embassy in Riyadh.

Appendix V
Interview and Refusal Rates for
Nonimmigrant Visa Applicants in Saudi
Arabia

Table 6: Interview and Refusal Rates for Third-Country National Visa Applicants in Saudi Arabia Before and After September 11, 2001

Post	Applications	Interviews	Percent Interviewed	Issuances	Refusals	Percent refused
Jeddah Before	5,295	3,971 ^a	75.0 ^a	3,150	2,145	40.5
After	1,878	1,008	53.7	1,334	544	29.0
Riyadh Before	10,109	7,581 ^a	75.0 ^a	7,246	2,863	28.3
After	4,523	3,266	72.2	3,151	1,372	30.3
All Saudi Arabia Before	15,404	11,552 ^a	75.0 ^a	10,396	5,008	32.5
After	6,401	4,274	66.8	4,485	1,916	29.9

Note: Before = September 11, 2000, through April 30, 2001

After= September 11, 2001, through April 30, 2002

^aThis figure is an estimate from consular managers at the U.S. embassy in Riyadh.

Source: Data provided by the U.S. embassy in Riyadh.

Period of Visa Validity for Visa Holders of



This appendix provides information on the maximum amount of time that U.S. visas remain valid for citizens of selected locations (see table 7). The State Department establishes the maximum period of visa validity for each country based on reciprocity, that is, according to the treatment that the applicant's country affords U.S. citizens traveling there for the same purpose. For the territories of the West Bank and Gaza, reciprocity depends on the passport and travel document submitted by the visa applicant, which can be either an Israeli passport and travel document or a Palestinian Authority passport.⁴⁶

At the U.S. port of entry, an inspector from the Immigration and Naturalization Service determines how long a visa holder may remain in the United States. The validity of a visa issued at a consular post abroad is neither related to the length of stay authorized by the immigration inspector at the port of entry, nor is it related to the length or number of extensions of stay that may later be granted by the Immigration and Naturalization Service.

⁴⁶While the State Department has determined that the Palestinian Authority is a competent authority for passport-issuing purposes, the United States does not recognize the Palestinian Authority as a foreign government.

Appendix VI
Period of Visa Validity for Visa Holders of
Selected Countries

Table 7: Maximum Period of Visa Validity for Visa Holders of Selected Countries and Territories (as of August 30, 2002)

Location	Period of visa validity		
	Temporary visitor for business or pleasure	Student visa	Exchange visa
Valid less than 5 years			
Afghanistan	3 months	3 months	3 months
Algeria	3 months	1 year	1 year
Cuba ^a	6 months	3 months	3 months
Djibouti	1 year	1 year	1 year
Eritrea	1 year	1 year	3 months
Iran ^a	3 months	3 months	3 months
Iraq ^a	3 months	3 months	3 months
Libya ^a	3 months	1 year	1 year
North Korea ^a	3 months	3 months	3 months
Saudi Arabia	2 years	2 years	2 years
Somalia	3 months	3 months	3 months
Sudan ^a	3 months	6 months	6 months
Syria ^a	2 years	2 years	2 years
Yemen	1 year	1 year	1 year
Territories of the West Bank and Gaza ^b	3 years	3 years	3 years
Valid 5 years or more			
Bahrain	5 years	5 years	5 years
Bangladesh	5 years	5 years	1 year
Egypt	5 years	5 years	5 years
Indonesia	5 years	5 years	1 year
Jordan	5 years	5 years	5 years
Kuwait	10 years	5 years	5 years
Lebanon	5 years	5 years	5 years
Malaysia	10 years	5 years	5 years
Morocco	10 years	5 years	5 years
Oman	2 years	5 years	5 years
Pakistan	5 years	5 years	5 years
Qatar	10 years	5 years	5 years
Tunisia	10 years	5 years	5 years
United Arab Emirates	10 years	4 years	4 years
Territories of the West Bank and Gaza ^c	10 years	5 years	5 years

^aThis country has been designated a state sponsor of terrorism.

Appendix VI
Period of Visa Validity for Visa Holders of
Selected Countries

^bApplicants who present a Palestinian Authority passport.

^cApplicants who present an Israeli passport and travel document.

Source: State Department data.

Comments from the Department of State

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of State

Washington, D.C. 20520

SEP 23 2002

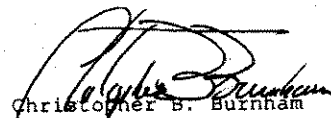
Dear Ms. Westin:

We appreciate the opportunity to review your draft report, "BORDER SECURITY: Visa Process Should Be Strengthened as an Antiterrorism Tool," GAO-02-1028, GAO Job Code 320087.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report, as well as technical comments.

If you have any questions concerning this response, please contact Catherine Barry, Acting Deputy Assistant Secretary of Visa Services, Bureau of Consular Affairs, at (202) 647-9584.

Sincerely,


Christopher B. Burnham
Assistant Secretary and
Chief Financial Officer

Enclosure:

As stated.

cc: GAO/IAT - Ms. Judy McCloskey
State/OIG - Mr. Berman
State/CA - Mr. George Lannon

Ms. Susan S. Westin,
Managing Director,
International Affairs and Trade,
U.S. General Accounting Office.

Now GAO-03-132NI.

Department of State Comments on GAO Draft Report

BORDER SECURITY: Visa Process Should Be Strengthened as an Antiterrorism Tool. (GAO-002-1028, Job Code 320087)

The Department appreciates the thorough and balanced approach taken by GAO in reviewing the visa process. While our comments below point out some specific areas of the draft report where we differ on the facts or believe that more context is needed, the report taken as a whole and, most importantly, the recommendations will be quite useful in our ongoing reexamination of visa processes and procedures. We have already taken steps to implement a number of the recommendations and plan to work closely with the Department of Homeland Security, once established, and other security agencies to implement other recommendations. Our specific comments on the recommendations as well as comments on particular points in the text follow.

Part I – Recommendations

To strengthen the risk-based approach to visa decision making, we recommend that the Secretary of State, in consultation with appropriate homeland security agencies, develop

- *a clear policy on the priority attached to addressing national security concerns through the visa process, including how this priority should be balanced with the desire to facilitate legitimate travel, provide timely customer service, and manage visa workload; and*
- *more comprehensive, risk-based guidelines and standards on how consular officers should use the visa process as a screen against potential terrorists, including the factors to consider in assessing risks, the level of scrutiny of visa applications, the information needed to approve and deny a visa, and the degree of discretion to waive interviews and other visa checks and to limit the duration of visa validity*

The Department of State has already initiated a number of steps that address the concerns of these recommendations. A series of cables has been sent to all embassies and consulates that clarify the overriding importance of national security. One such cable emphasize the importance of ensuring that applicants fill out visa application forms completely and sign them and will present revised, stricter rules regarding which applicants can have interviews waived and on the use of travel agencies. These new rules will eliminate much of the discretion consular officers currently have in this matter and will serve to reinforce and codify changes posts have already made since September 11, 2001, which have resulted in interview of a far greater number of applicants and consequent lowering of the use of third party application procedures. Another step will be to reduce the maximum validity of a nonimmigrant visa from ten years to 5 years and to redraft Department guidance on when less-than-full-validity visas can be issued.

See comment 1.

Appendix VII
Comments from the Department of State

Through these and additional cables and Departmental guidance, consular officers will continue to be sensitized to national security issues. While risk and threat assessments are rendered by other agencies, the Department is committed to incorporating all known assessments into the visa process to further national security objectives. Because visa applications are processed in the context of a comprehensive statutory regime, established primarily by the Immigration and Nationality Act, the Department will also work with Congress to obtain legislative changes as necessary to permit us to take the steps we believe are necessary.

We agree that staffing requirements must be regularly assessed to ensure that border security requirements are being met. In this regard, the Department established 55 new consular positions in FY-2002, funded through fees from the Machine Readable Visa Fee. These are in addition to 81 new consular positions that had been established over the previous two years.

Moreover, through the Department's Diplomatic Readiness Initiative, we are phasing out use of consular associates to adjudicate visas. Approximately 165 associates will be replaced with Foreign Service consular officers drawn from the Diplomatic Readiness Initiative over a three-year period.

We continue to evaluate all aspects of the visa process and will expand our coordination with the Homeland Security community to develop additional procedures and guidelines to aid in screening out potential terrorists.

Based on the new policy and guidelines, we also recommend that the Secretary of State

- *consider reassessing previously issued visas for selected categories of persons from selected countries that may potentially pose security concerns.*

The Department concurs with this recommendation. We have identified categories of visas issued prior to the implementation of new special administrative processing requirements for review and will expand this program. We will recheck those applicants in our CLASS system and will ask other agencies if they want to review outstanding visas as well. Moving to a five-year validity period may also facilitate this initiative.

You may wish to note in the final version of the report that the guidance provided to the field has historically emphasized operational flexibility in order to ensure that visa operations are as effective and efficient as possible based on local circumstances. The events of 9/11 have changed this cost/benefit calculus and we now understand that more detailed centralized guidance (and, conversely, less flexibility at the field level) is called for. These changes are being made.

See comment 2.

Part II – Specific Comments

Now on p. 3.
See comment 3.

Page 5. We are not aware of an official disagreement over legal issues, which if they existed could be resolved definitively by the Attorney General. We would suggest changing the sentence *“Also, there is a disagreement between State and Justice on the evidence needed to deny a visa on suspected terrorism grounds”* to *“Also, there are a number of issues relating to the handling of cases of possible terrorist concern identified by the FTTTF that need to be resolved by State and Justice.”*

Now on p. 6.
See comment 4.

Page 8. In the first paragraph, the statement that the FAM and the Best Practices Handbook are the sum total of consular guidance is inaccurate. We recommend either, *“FAM and various other handbooks and communications”* or, *“FAM, instruction telegrams, informal communications, the Consular Management Handbook and the Consular Best Practices Handbook.”* Also, this section should read, *“policy guidance to visa officers”* and *“interpretive guidance to visa officers,”* since the Department has other guidance for other areas of consular operations.

Now on p. 7.
See comment 5.

Page 9. There should be a change to the second sentence of the last paragraph to say, *“...State has 843 MRV-funded consular officer positions and 211 visa-processing posts around the world. In addition to the MRV-funded consular officers, a number of officers performing consular duties are funded by State program funds or by other U.S. agencies. At some posts, eligible U.S. citizen family members of U.S. officers have been trained in consular work, have obtained security clearances, and are designated as consular associates to enable them to perform consular work.”*

Now on p. 8.
See comment 6.

Page 11. The drawing is problematic. It oversimplifies the process and will be misunderstood. We recommend that it be dropped. If you do not drop it, the step labeled, *“Application, passport and other documents reviewed”* should be split into two steps: reviewed for completeness, and reviewed by consular officer for visa eligibility. In addition, a step for data entry and a note that CLASS check occurs immediately afterwards should be added.

Now on p. 14.
See comment 7.

Page 16. The first bullet states that officers are authorized to waive the filing of visa applications in a way that ignores the fact that officers rarely use this authority. VO is redrafting the FAM notes to make it clear that completion of the application should only be waived in cases of dire medical or other emergency or in special circumstances.

Now on p. 14.
See comment 8.

Footnote #20 It would be more accurate if the footnote read, *“In the rare situations in which the filing of the application by the applicant was waived, to ensure that the Department’s data base would include the essential information normally obtained through the application, the consular officer was instructed to complete an application form for the applicant insofar as possible using data available in the passport or other submitted documents.”*

Now on p. 14.
See comment 9.

Now on p. 18.
See comment 10.

Now on pp. 19-20.
See comment 11.

Now on p. 19.
See comment 12.

Now on p. 20.
See comment 13.

Now on p. 22.
See comment 14.

Now on p. 23.
See comment 15.

Now on p. 22.
See comment 16.

In Footnote #21 on the travel agency program. This language was inaccurate and misleading and was deleted from the FAM several months ago.

Page 20. After the sentence in paragraph 2 ("*Generally, consular officers interviewed...a criminal history.*") we request GAO add, "*In no case, however, was a visa issued until after confirmation that the applicant was not the subject of a CLASS hit or, if the applicant was the subject of a hit, that the hit was addressed and resolved (e.g., with a waiver of ineligibility, if any).*"

Page 22. At the end of first full paragraph, the last sentence states that some interviewing officers believed they had no basis for denying the visas and, with the rest of the paragraph, implies that State was somehow remiss. The real issue is that, based on the information available to the interviewing consular officers, and in fact all information available to the Department at that point, the applicants qualified for visas.

CLASS did not have information on the two hijackers at the time they were issued visas. We received information about them only on August 23, 2001, although we understand that by January 2000 it was available to another agency. Had this information been timely included in TIPOFF and then CLASS, these two would not have been issued visas without a check with relevant agencies. That check would have likely resulted in the visas not being issued.

Page 23. FSI has two comments. First, FSI is collaborating with Counter-Terrorism officials at the FBI to work up a CT presentation that the Bureau would present to assembled ConGen classes. FSI and the FBI plan to start those sessions in October. Second, FSI agrees that more training on the use of the CLASS namechecking system is appropriate and will help to bolster the State Department's anti-terrorism efforts. FSI began working on this issue prior to 9/11. FSI developed and has now been, as GAO was informed, offering a class in Advanced Consular Namechecking Techniques since February of 2002. FSI has trained 70 students so far and plans to train 120 more in each of the next two fiscal years. In fact, if there is sufficient demand, FSI will increase the course offerings accordingly.

Page 25. At the top of the page, we suggest the statement should also read, "*...FBI was still developing internal procedures for doing a namecheck beyond the CLASS namecheck conducted by consular officers.*"

The middle paragraph should instead read, "*...750 visa applications that should be held because the applicants are persons of possible interest or concern, although the FBI was not able to provide information bringing them within the scope of the terrorist exclusion. State received the hold request for about 200 of these...*"

Footnote #33: For accuracy, we suggest adding at the end the following additional sentence: "The FTTTF does not have legal authority to adjudicate visa applications or applications for immigration benefits. As a legal matter, its role is to advise those who do (consular and immigration officers, the Secretary of State, and the Attorney General) of

Now on p. 24.
See comment 17.

Now on p. 25.
See comment 18.

Now on p. 27.
See comment 19.

Now on pp. 24-25.
See comment 20.

Now on p. 26.
See comment 21.

Now on p. 27.
See comment 22.

Now on p. 28.
See comment 23.

the availability of information that could lead an adjudicator to deny a visa or other benefit on grounds of terrorism."

Page 26. The discussion of Condor should be updated to reflect ongoing efforts to streamline and target the process, including revised working arrangements with the CIA (now in place) and revised Condor criteria, under discussion as the report is being drafted.

In the last line, the phrase should read, "...matched information *"in TIPOFF."*

Transliterations of Arabic names can vary widely. The CLASS namecheck system uses a special Arabic algorithm to ensure that name matches are detected even if the lookout name varies from the query name. Hijacker's name in CLASS, Marwan Yousef Mohammed R Lekrab Al Shehhi, is spelled exactly as in his visa. There may be an alternate transcription of his name, but the logical spelling to use in CLASS is as it appeared in his passport and visa. The lookout entry for hijacker Fayed Banihamad has been corrected to reflect the data as it appears in his visa record.

Last paragraph: We request that the language track with that we have suggested for Page 5, noting a concerns between DOS and FTTTF given the requirements of the INA with respect to visa denials and the kind of information on possible terrorists available to FTTTF, rather than suggesting the existence of an unresolved legal issue between State and Justice. To the extent that the immigration laws do not provide a basis for denying cases of the kind FTTTF has wanted "held", State and Justice are working with OHS to address the issue.

Page 28. CLASS is a state-of-the-art system. We suggest changing the title from "CLASS Has Technical Limitations" to something like "CLASS Is An Advanced Name-Check System That Nevertheless Has Technical Limitations."

Footnote 38. Although the CLASS system is designed so that it routinely returns "hits" on similar names even with different place of birth information, the practice of altering place of birth information, as described in the footnote, does pose an increased risk of missing a lookout entry. However, the footnote is misleading in implying that the Arabic algorithm is especially vulnerable to this risk. The Arabic algorithm in fact broadens the scope of returns for similar names, without changing the weight accorded to place of birth information.

Page 29. As written, the bottom paragraph implies that prior to the May 18, 2002, guidance, post referral systems did not include defining referral criteria, use of special forms and tracking systems and approval of referrals by chiefs of sections or agency heads. On the contrary, the May 18 guidance merely standardized the referral forms to be used worldwide and reaffirmed the essential requirements of referral systems, especially the need of a signature from the agency or section head. Indeed, the CA Assistant Secretary has consistently reminded chiefs of mission in writing each year about the importance of the integrity of post's visa referral system.

Now on p. 29.
See comment 24.

Page 31. The middle of the page reads, "...consular officers began screening citizens of those countries who were applying for visas to determine whether they were intending immigrants." This implies that the increased scrutiny being given to applications in Saudi Arabia and the UAE was only focusing on the issue of intending immigration. We believe it would be more accurate to make a more general statement, such as "consular officers began screening citizens of those countries who were applying for visas with increased rigor."

Now on pp. 30-31.
See comment 25.

Page 32. Regarding the last paragraph, VO is currently revising instructions to posts on implementation of validity periods, which will change previous guidance to issue for full validity in most cases.

Now on p. 31.
See comment 26.

Page 33. The first full paragraph needs more explanation and qualification. Did all the consular officers, including senior officers, at all the posts visited believe that they had received insufficient guidance? Or did only a few officers believe this?

Now on p. 31.
See comment 27.

There is a reference to a cable from Riyadh on the Visa Condor process that post said had not been answered. We responded to many of those questions in an ALDAC sent out two days after receiving the January 27 cable (State 16413). Other questions, from Riyadh as well as many other posts, we dealt with directly via e-mail. The new procedures understandably raised many questions at posts throughout the world. After sending out our clarification cable, we found that the best way to deal with the remaining inquiries was via e-mail.

Now on p. 32.
See comment 28.

Under the heading "Despite drop in Applications..." the first few sentences should read: "Since September 11, the number of non-immigrant visa applications has dropped worldwide. In some countries, this decrease in NIV demand has made it possible for the post to handle the expanding per case workload resulting from additional interviews and security requirements with the current level of staffing. At other posts, demand combined with increased per case workload still exceeds capacity and this is reflected in the waiting time for a visa appointment and in overtime by consular staff." Then continue with "State's data show that the number of non-immigrant visa cases decreased by ..."

Now on p. 34.
See comment 29.

Page 35. FSI does not think that statement is accurate. It is true that FSI has not yet made all of the changes that it now believes are necessary, given the post-September 11 situation. However, the Advanced Namechecking Course is one important change FSI implemented in 2002. FSI has added (the first session was on September 10th) a DS-developed and delivered session on Visa fraud and accountability to ConGen. As noted above, FSI plans to add a FBI Counter-Terrorism session to ConGen in the near future. FSI is also developing a new session on interviewing techniques and advice to give ConGen students more time to work on, and talk about, how to conduct effective visa interviews. That session should add substantially to the comfort level and effectiveness of newly graduated first tour consular officers.

Appendix VII
Comments from the Department of State

Now on pp. 34-36.
See comment 30.

Page 38. Regarding training, while all of our planned changes are not yet in place, FSI has focused on this issue, and has been focused on it for some months. As noted above, FSI plans to have a FBI-developed and delivered session on counter-terrorism in place in ConGen by the end of October. FSI is also working with S/CT to include counter-terrorism awareness and issues in a wide spectrum of courses, including consular training.

The following are GAO's comments on the State Department's letter dated September 23, 2002.

GAO Comments

1. The State Department's issuance of cables on new and revised visa procedures is a good first step toward defining a clear policy on the priority attached to addressing national security concerns through the visa process. However, the series of cables does not represent a comprehensive policy statement on how to balance national security concerns with the desire to facilitate legitimate travel, provide timely customer service, and manage visa workload.
2. In the draft of our report that went to the State Department for comment, we made this recommendation to the Secretary of State. However, after a discussion with State Department officials on September 16, 2002, we agreed that the State Department would need to work with other departments and agencies to implement this recommendation. Thus, in our final report, we make this recommendation to the Assistant to the President for Homeland Security, who chairs the Homeland Security Council that is responsible for ensuring coordination of homeland security-related activities among executive branch departments and agencies.
3. In commenting on a draft of this report, the Department of Justice said that it does not share the State Department's view of the law regarding the evidentiary standard that should be applied to visa applicants from high-risk countries. Because of the apparent disagreement between the Departments of State and Justice on this aspect of the law, we continue to recommend that the Assistant to the President for Homeland Security coordinate with the appropriate agencies to establish governmentwide guidance on the level of evidence needed to deny a visa on terrorism grounds under INA section 212(a)(3)(B).
4. We have modified the text on page 6 of the report.
5. We have modified the text on page 7.
6. We have added more detail to the graphic on page 8. We disagree that the CLASS check always occurs immediately after data entry. During our fieldwork at overseas posts, we observed that consular officers may check the applicant's name against the CLASS system at various times during the visa process.

7. We have modified the text on page 14 to reflect the rare use of the application waiver authority and to note that the State Department revised this policy on September 18, 2002.
8. We have added information to page 14.
9. We have modified text on pages 14 and 29 to note that the State Department revised this section of the *Foreign Affairs Manual* on September 18, 2002.
10. The paragraph in question deals with the circumstances under which consular officers in Saudi Arabia and the United Arab Emirates would interview Saudi or Emirati visa applicants, respectively, rather than whether the officers completed CLASS checks for each applicant. Page 19 of the report includes information on these consular officers completing CLASS checks.
11. We disagree with the State Department's comment that "based on the information available to the interviewing consular officers, and in fact all information available to the Department at that point, the (September 11 hijacker) applicants qualified for a visa." As our report states on page 9, the law places the burden of proof on each visa applicant to demonstrate that he or she is eligible for a visa, with each applicant presumed to be an intending immigrant under section 214(b) of the Immigration and Nationality Act (INA). We were able to review the applications for 15 of the 17 Saudi and Emirati hijackers, and, in most cases, to meet with the issuing consular officer. Based on that review, we determined that the hijackers had presented little information to prove their eligibility for a visa under INA section 214(b)—none of their applications had been completely filled out and only 2 of the 15 hijackers had been interviewed before receiving a visa.
12. We added the specific date to the text on page 19. If the information on the two hijackers had been added to CLASS in January 2000, the visa process may have screened out one of the hijackers, rather than the two that the State Department suggests in its comments. Only one of them, Khalid Al Mihdhar, applied for a visa after January 2000. The other, Nawaf Al Hazmi, applied for and received his visa in April 1999.
13. We have added information on the FBI counterterrorism briefing to the text on page 36 and on the numbers of people trained in the advanced consular name check course to page 35.

14. We modified the text on page 22 to specify the name check for which the FBI was still developing procedures.
15. The Justice Department, in comments on a draft of this report, said that the Foreign Terrorist Tracking Task Force sent recommendations on 567 visa applicants to the State Department, stating that these applicants pose a threat to national security and should be denied a visa. Thus, we did not change this language in our report.
16. We have added information on the legal authority of the Foreign Terrorist Tracking Task Force to page 22.
17. We revised text on pages 21 and 24 to reflect these recent and planned changes.
18. We modified the text on page 25 of the report.
19. We added this information to the text on page 27.
20. See comments 3 and 15.
21. While we reviewed the State Department's consular lookout system, we did not compare its capabilities with those of other name check or lookout systems. Thus, we cannot say whether CLASS is a state-of-the-art system.
22. We modified the text on page 27.
23. We modified the text on page 28 to acknowledge that the State Department had visa referral procedures in place before the recent changes.
24. We added wording to page 29 to reflect that consular officers in Saudi Arabia and the United Arab Emirates began more closely screening Saudi and Emirati nationals who applied for visas.
25. We added this information to text on pages 30-31.
26. We have limited our discussion on page 31 to the views of senior consular managers only.

27. The State Department's January 27 cable on Visas Condor procedures predates the embassy's February request for additional information. As of the time of our fieldwork in May, consular managers at the embassy in Riyadh told us that they had not received a response from the State Department in any form to their request for additional information.
28. We have added information on some posts having insufficient staff to meet current visa demand to the text on page 32.
29. We revised the title to the section on page 34 to reflect the State Department's concerns and added information on recent and proposed changes to the department's basic consular training course to the text on page 36.
30. See comments 13 and 29.

Comments from the Department of Justice

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. Department of Justice

Washington, D.C. 20530

SEP 27 2002

Mr. Jess Ford
Director
International Affairs and Trade
U.S. General Accounting Office
Washington, DC 20548

Dear Mr. Ford:

The Deputy Attorney General has asked me to convey the comments of the Department of Justice concerning your draft report entitled "BORDER SECURITY: Visa Process Should be Strengthened as an Antiterrorism Tool." The Department is pleased that the General Accounting Office (GAO) has undertaken a review of the current visa issuance process with the goal of making it fully responsive to the national security imperatives of the United States. We appreciate having the opportunity to comment and would like to limit our discussion to two particular issues 1) the evidentiary standard for adjudicating visa applications submitted by individuals who may present a risk to national security and 2) the Justice Department's timeliness in processing Condor cables.

With respect to the first issue, we would like to give you a comprehensive statement of our views which are not reflected in page 25 of the draft report. The following is full discussion of our views and we propose it as an alternative to the current language in the GAO draft report.

As you may know, the evidentiary standard that should be applied to visa applicants from high risk countries is the subject of an ongoing high-level dialogue between the Justice and State Departments. We are continuing to work with the State Department toward reaching a consensus on this matter. The State Department is of the view that, in cases involving the terrorism provision of Section 212(a)(3)(B) of the Immigration and Nationality Act (Act), a consular officer cannot deny a visa unless there is specific evidence of activities or associations that render the applicant ineligible for admission to the United States. If there is no such evidence of activities or associations, a consular officer is required to issue the applicant a visa. The State Department is also of the view that it cannot deny a visa based solely on a Foreign Terrorist Tracking Task Force (FTTTF) or Federal Bureau of Investigation (FBI) name search that results in a hit or a match.

We do not share the State Department's view of the law for several reasons. First, the law presumes that a visa applicant is inadmissible and places the burden of proof on the applicant to establish his admissibility. As such, a consular officer need not have specific evidence that the applicant has

Mr. Jess Ford

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participated in terrorist activities or associations to justify a visa denial. We think the evidence is sufficient when a check of the applicant's name and date of birth results in a hit or a match against the relevant databases. In our view, a name search hit does provide the consular officer a "reasonable ground to believe" (see Section 212(a)(3)(B) of the Act) that the applicant presents a threat to national security and is therefore ineligible for admission.

Second, we think that Congress meant to impose a higher evidentiary burden on visa applicants from countries that sponsor terrorism when it enacted Section 306 of the Enhanced Border Security Act in May 2002. Section 306 provides that nationals of state sponsors of terrorism are not to be issued non-immigrant visas unless the Secretary of State "determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien[s] do[] not pose a threat to the safety or national security of the United States." In our view, this statute was meant to effect a fundamental change to the State Department's adjudication of visa applications after September 11th. We read the statutory requirement of a "determination" that an applicant does not pose a threat to the safety of national security of the United States to mean that there is a presumption of non-issuance of visas in cases where we know nothing about the applicant.

Third, we recognize the State Department's concern about resolving issues of identity which is critical to the adjudication of visa applications. The State Department has already undertaken additional measures that will enable consular officers to ascertain the identity of a visa applicant. One such measure is to require a personal interview of every visa applicant over age 16 from countries that are state sponsors of terrorism and other high risk countries. We applaud this change and, at the same time, have requested the State Department to automate the supplemental visa application form DS-156 and DS-157 which it began using in those countries earlier this year. If translated into English and converted into electronic format, the additional information provided in the supplemental form can be readily transmitted to the FTTTF and the FBI for the purpose of determining identity and determining whether a visa applicant is indeed the same person referenced in a database hit. In this regard, we are committed to providing the State Department all the information that we are legally authorized to share, as we believe that having the additional information will enable the State Department to resolve more visa cases. Even after all available information is shared both ways, however, it will often still be impossible to know for sure whether an applicant is indeed the same person contained in the relevant databases. In that situation, we think it is appropriate to proceed cautiously and deny a visa on the theory that the database hit does provide the needed "reasonable ground to believe" that the applicant is inadmissible.

The preceding discussion of the evidentiary standard to be applied to visa applicants is quite lengthy but we feel that it is important to fully explain our view of this matter. Because the above discussion is comprehensive and fully covers the issue, we ask that you substitute the substance of this four paragraph discussion for the last paragraph in the section "New Security Procedures Have Not Been Thorough or Timely" (page 25 of the draft report).

Mr. Jess Ford

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With respect to the processing of Condor cables, the GAO fails to fully discuss the visa applicants screened by FTTTF name checks that could not be fully identified in order to be cleared. According to FTTTF records, 567 recommendations were sent to the State Department which stated that the applicants may pose a threat to national security and thus should be denied a visa; approximately half of these were Condors. In the majority of these cases, there was not enough information available to the FTTTF to definitively identify the applicants, therefore, the recommendations were made to err on the side of caution. This problem highlights the need to obtain additional information about visa applicants from certain countries. Such information can be gathered from the supplemental visa application forms that the State Department began using earlier this year. The additional information provided on the supplemental form could greatly assist the FTTTF's risk assessment process and help the State Department resolve more visa cases. Unfortunately, because the information captured on the supplemental form is not available in electronic format, the FTTTF does not have ready access to such information at this time. We have encouraged the State Department to automate the supplemental visa forms so that they can be downloaded into the Justice Department's databases.

See comment 1.

We also have concerns about several inaccurate statements concerning the FBI's and the FTTTF's processes for handling Condor cables and timeliness. The report fails to note that the FBI's National Name Check Program (NNCP) conducted checks on the sample of 20-day hold applicants at the same time the FTTTF began conducting such name checks. In addition, the report inaccurately states that the FBI did not conduct the Visas Condor check from January through April 2002, resulting in a backlog of 14,000 unchecked Condor cables. The NNCP actually ran these cables through the FBI indices so that name checks were conducted for the cables. The NNCP then forwarded hard copies of these cables to the FTTTF for review. The FTTTF also checked these names through available databases. Further, while the GAO reports that as of mid-April, the FBI was still developing internal procedures for doing the name check, the NNCP already had a procedure in place for conducting name checks of individuals listed in Condor cables, although such checks were done manually. We are providing you substitute language under separate cover to correct these and other inaccuracies found in the report.

See comment 2.

See comment 3.

Finally, we would like to note the recent efforts undertaken by the Department of Justice to improve its handling of Condor cables which are not discussed in the draft report. These efforts have enabled the FBI and the FTTTF to eliminate a significant portion of their backlog of cases that have accrued in the first several months after the new screening procedure went into effect (on July 1, 2002). Three weeks ago, we met with our colleagues at the State Department and other agencies to discuss the need for better information collection and sharing which is essential to the FBI's name check process and the FTTTF's risk assessment. We also proposed to streamline the interagency screening process so that the Justice Department will bear primary responsibility for conducting name searches and clearing Condor cables. Based on these discussions, we are confident that our handling of Condor cables will remain responsive and timely, without sacrificing security.

Appendix VIII
Comments from the Department of Justice

Mr. Jess Ford

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We appreciate having the opportunity to review the report and to provide our comments. Please call Vickie L. Sloan, Director, Audit Liaison Office on 514-0469 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Diegelman", with a long horizontal flourish extending to the right.

Robert F. Diegelman
Acting Assistant Attorney General
for Administration

The following are GAO's comments on the Department of Justice's letter dated September 27, 2002.

GAO Comments

1. We have added information on the name check unit's sample of 20-day hold applicants to page 22 of the report.
2. The Justice Department's comments on the extent of FBI name checks differ from information provided by FBI and Foreign Terrorist Tracking Task Force officials earlier in our fieldwork. Because of the differences, we modified the text of the draft to clarify our points, then on October 4, 2002, contacted the FBI's Deputy Assistant Director of the Records Management Division—which includes the name check unit known as the National Name Check Program—and the chief of the name check unit for further clarification and confirmation of the information. These officials told us that the information was accurate for the time frame covered, with the exception of the size of the backlog of Visas Condor checks. The chief of the name check unit said that the FBI had a backlog of 8,000 cables for Visas Condor and other security checks, rather than the 14,000 for Visas Condor checks as stated in our draft. We have added this information to page 23 of the report.
3. We have added information on the new Visas Condor procedures to page 24.

GAO Contacts and Staff Acknowledgments

GAO Contacts

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Acknowledgments

In addition to the persons named above, Jody Woods, Kate Brentzel, Gabrielle Anderson, Rona Mendelsohn, and Mary Moutsos made key contributions to this report.

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